

**WASHINGTON STATE HUMAN RIGHTS COMMISSION  
MEETING OF  
January 30-31, 2003  
Holiday Inn Express  
Sea Tac, WA**

**MINUTES**

**THURSDAY, JANUARY 30, 2003**

**ATTENDANCE**

**Commissioners:** Rudy Vasquez, Chair, Charlotte Coker, Ellis Casson, and Dallas Barnes.

**Staff:** Susan (Sue) J. Jordan, Executive Director; Dariush (D.K.) Khaleghi, Deputy Director, Regina Hook, Cheryl Strobert, and Berneta Walraven, Operations Managers; Tanya Calahan, Commission Clerk; Arthur Stratton, Equal Opportunity Compliance Specialist, and Jerry Lee, Equal Opportunity Compliance Investigator.

**Guests:** Rob Fukai and Martin Casey, WA State Department of General Administration; Tom McBride, WA State Department of Community Trade and Economic Development, Juan Huey-Ray, Office of Minority and Women's Business Enterprises; Peter Antolin, WA State Office of Financial Management, Eleanor Frye, Reginald Johnson, and Rosemarie Dickson-Cook.

*(Audio tape one – side one)*

**OPENING AND WELCOME**

Commissioner Vasquez called the meeting to order at 7 p.m. Commissioners, staff, and guests introduced themselves.

**OMWBE LEGISLATIVE PROPOSAL**

The Commission met with representatives of WA State Department of General Administration (GA), WA State Office of Minority and Women's Business Enterprises (OMWBE), WA State Office of Financial Management (OFM), and the Washington State Department of Community Trade and Economic Development (CTED) to discuss Governor Gary Locke's 2003-05 Budget Proposal to merge core functions of the state OMWBE into GA, CTED, and the Washington State Human Rights Commission (HRC) effective July 1, 2003.

Mr. Antolin described the anticipated roles of CTED, GA, and HRC that are included in the Governor's proposal. CTED will perform business certification services and provide technical assistance services to socially and economically disadvantaged businesses. GA will provide reimbursable services and support to state and local government in purchasing and public works contracts with state certified businesses. HRC will set overall targets for certified business participation in state funded public and investigate complaints alleging discrimination in public contracting. No money was identified in the budget to implement the proposal. However \$500,000 is allotted for CTED. The money is for a specific purpose; to facilitate receiving federal money.

The Governor's proposal seeks to close OMWBE for a savings of \$2.1 million for the 2003-05 biennium. OMWBE currently has 20 full time equivalent positions. Most of the positions will be reduced in force. Some will be transferred to CTED.

*(Audio tape one - side two)*

Discussion ensued about accountability mechanisms, the lack of an enforcement component in the proposal, the ambiguous language in the proposal, the lack of funds for HRC to implement its portion of the proposal, and other concerns.

Peter Antolin commented that OFM is requesting HRC support of the proposal. However, HRC can testify in support of or against the bill to the legislature.

Reginald Frye commented about non involvement of minority and women's business community in the proposal process. He expressed concern about the proposal and its affect on minority and women owned businesses.

Eleanor Johnson, who is a former member of OMWBE's advisory committee, commented that the US Department of Transportation is not the only source of federal funds. She shared that HRC will have to be sure that all minority and women owned businesses have access to contracts.

The Commission will discuss this issue further during their business meeting on January 31, 2003. Commissioner Vasquez requested that Mr. Huey-Ray join the Commission and staff to discuss the proposal further.

**Open Forum**

Rosemarie Dickson Cook shared comments with the Commissioners about her history, education, and experience with HRC's complaint process. Spoke about contract issues.

She expressed concern about workplace violence and sick pay benefits for temporary employees. She suggested that the Commission use a check box format for its investigative findings. She also suggested not listing findings of fact in investigative findings. She expressed concern about the way her case was handled with the Commission.

Ms. Dickson-Cook then encouraged the Commission to continue in its efforts to help the "little people."

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Commission Clerk

**FRIDAY, JANUARY 31, 2003**

**ATTENDANCE**

**Commissioners:** Rudy Vasquez, Chair, Charlotte Coker, Ellis Casson, Dallas Barnes, and J. Reiko Callner. A quorum was present.

**Staff:** Susan (Sue) J. Jordan, Executive Director; Dariush (D.K.) Khaleghi, Deputy Director; Regina Hook, Cheryl Strobert, and Berneta Walraven, Operations Managers; Tanya Calahan, Commission Clerk; Arthur Stratton, Equal Opportunity Compliance Specialist; and Susan Carlson, Assistant Attorney General.

**Guests:** Martin Casey, WA State Department of General Administration; and Juan Huey-Ray and Cathy Canorro, Office of Minority and Women's Business Enterprises.

*(Audio tape one - side one)*

**OPENING AND WELCOME**

Commissioner Vasquez called the meeting to order at 9 a.m.

**CONSIDERATION OF THE MINUTES OF DECEMBER 20, 2002**

Commissioner Callner made a motion to approve the minutes of the December 20, 2002 Commission meeting. Commissioner Coker seconded the motion. MOTION CARRIED.

**CONSIDERATION OF ACTION ITEMS**

Executive Director Sue Jordan reviewed action items from the December 20, 2002 Commission meeting.

Commissioner Callner requested a copy of respondent Ice House's response to the Commission's January 24, 2003 letter to Ice House, if they send one.

Ms. Jordan spoke about consultant Dee Endelman. Commissioner Vasquez asked for a consensus whether or not to hire the consultant to facilitate a workshop for the Commissioners. He then conducted a role call vote. Commissioner Casson voted no, Commissioner Callner voted yes, Commissioner Barnes voted yes, and Commissioner Coker voted yes.

The Commissioners then discussed the role that the consultant would play: to help enhance communication among the Commissioners.

Commissioner Vasquez requested that consultant Dee Endelman contact Commissioners individually and not necessarily facilitate a workshop at this time. Ms. Endelman would

gather individual Commissioner opinions about the needs of the Commission. This pre analysis can be done to determine if a workshop would be worthwhile.

Commissioner Casson agreed to talk with consultant. The Commissioners agreed to talk to Ms. Endelman individually prior to committing to a workshop.

The Commissioners will make a decision about whether or not to schedule a workshop at the next Commission meeting on February 28, 2003.

Commissioner Callner gave an update on the Commission policy project. Commissioner Vasquez suggested setting a date of May or June to address the policies because a lot of preparation work and reading are involved. He suggested packaging all of the policies together for the Commissioners to review them all.

Commissioner Callner will look into to this matter to determine if it's feasible.

Deputy Director Dariush (D.K.) Khaleghi announced that the staff case categorization project (ABC) presentation to the Commissioners has been postponed so it can be discussed by staff further.

Commissioner Vasquez shared information about Ricardo Garcia of Spanish radio station KCDA, who suggested getting more information to the community. There is confusion about Commission's role. Mr. Garcia also suggested a radio talk show in Spanish to explain the Commission's work. Commissioner Vasquez suggested that staff work with El Mundo on news articles about civil rights.

Commissioner Callner suggested having bully bill issue on the March 2003 Olympia meeting agenda. She will gather community members for the meeting.

### **CASE LIST**

Commissioner Coker made a motion to approve the amended case list for the period of December 21, 2002 – January 24, 2003. Commissioner Casson seconded the motion. Commissioner Callner abstained. MOTION CARRIED.

*(Audio tape one side two)*

### **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Sue Jordan reviewed her written monthly Executive Director's report.

Ms. Jordan spoke about the agency's budget. Staff worked with the Office of Financial Management (OFM) and legislative committees. OFM asked for 3.8 full time equivalent cuts from the Commission. The Commission has no programs to cut. The Legislative and Regulatory Coordinator position is not being filled at this time.

### **DRAFT FARM WORKER FORUM REPORT**

The Commissioners discussed the latest draft of the farm worker forum report. Commissioner Callner suggested that the Commission and staff carefully review letters from the WA State Department of Labor & Industries to the Commission regarding farm worker issues and make reference to the letters in the report.

Commissioner Callner suggested that the forum report be translated in Spanish for those that attended the forum and other Spanish speaking individuals. She also recommended that the media such as Spanish newspapers and radio stations, the Governor, and other interested parties receive a copy of the report.

Commissioner Vasquez recommended using easily translatable terms, e.g., using a word other than "Genesis" in the report. He suggested going through the report again and use reader friendly terms in other places throughout the report. Formal titles for agencies should also be spelled out once in the report and acronyms can be used thereafter.

Commission Clerk Tanya Calahan will check items with question marks in parenthesis throughout the report. Operations Manager Sharon Ortiz will check the spelling of individual names of guests that attended the forum.

Commissioner Vasquez suggested that staff develop a checklist for staff that answers the telephones at the Commission and WA State Department of Labor & Industries. Complaints from both agencies are sometimes misdirected. The checklist can help staff more effectively refer complaints to the proper agency. Operations Manager Berneta Walraven will draft the checklist.

The target date for completion of report is March 15, 2003.

### **EXECUTIVE SESSION**

Commissioner Vasquez announced that the Commissioners are entering Executive Session at 10:50 a.m. to discuss an employee complaint. The Executive Session is scheduled to end at 11:30 a.m. Commissioner Vasquez announced that the Executive Session is extended by five minutes. He again announced that the Commissioners will be in Executive Session an additional five minutes. The Executive Session ended at 11:41 a.m. The regular Commission meeting commenced at 11:42 a.m. Commissioner Vasquez announced that he will draft a letter of response to the Washington Federation of State Employees. The draft letter will be circulated to the other Commissioners in 10 days for their review.

### **OMWBE LEGISLATIVE PROPOSAL**

Juan Huey Ray, Martin Casey, and Cathy Canorro joined the Commissioners and staff for a roundtable discussion regarding the Office of Minority and Women's Business Enterprises (OMWBE) legislative proposal.

Discussion took place regarding challenges with fellow agencies with contract compliance and the need for commitment and follow through. Challenges with tracking state purchasing contacts from minority and women owned businesses, impacts of Initiative 200, which eliminated affirmative action, and draft language in House Bill 1446, and proposed Commission responsibilities were also discussed.

### **RECONSIDERATIONS**

#### ***Motions to Deny:***

**Robert Cockrell v. Shoreline Arts Council.** Complainant participated by phone. Rosaline Bird participated by phone on behalf of Respondent.

Operations Manager Berneta Walraven provided a summary of the case. Complainant alleged discrimination in a place of public accommodation based on disability. A no reasonable cause finding was issued. Complainant alleged in his petition that his witnesses weren't interviewed and that he was denied disabled parking. Complainant did not provide information that would reverse the investigative finding. Commissioner Callner made a motion to deny the petition. Commissioner Coker seconded the motion. MOTION CARRIED.

**Thomas Bayh v. Cedars East Homeowner's Association.** Neither Complainant nor Respondent participated. Operations Manager Berneta Walraven provided a summary of the case. Complainant alleged discrimination in housing based on race. No evidence was provided by Complainant that would reverse the no reasonable cause finding. Commissioner Barnes made a motion to deny the petition. Commissioner Coker seconded the motion. MOTION CARRIED.

**Evelyn Cunningham v. Zenith Administrator.** Neither Complainant nor Respondent participated. Operations Manager Berneta Walraven provided a summary of the case. Complainant alleged discrimination in employment based on disability. No evidence was provided that shows that Respondent had knowledge of Complainant's disability. Commissioner Callner made a motion to deny the petition. Commissioner Barnes seconded the motion. MOTION CARRIED.

**Douglas Cey v. Dent Wizard.** Neither Complainant nor Respondent participated. Operations Manager Berneta Walraven provided a summary of the case. No information was provided in the petition that would reverse the investigative finding. Commissioner Coker made a motion to deny the petition. Commissioner Callner seconded the motion. MOTION CARRIED.

#### ***Motion to Grant:***

**Thompson v. Mesa Apartment Partnership.** Neither complainant nor respondent participated. Operations Manager Berneta Walraven provided a summary of the case.

No documentation is in the file that explains why witnesses weren't interviewed about the issue of whether Complainant made a request for reasonable accommodation. Commissioner Callner made a motion to grant reconsideration. Commissioner Coker seconded the motion. MOTION CARRIED.

### **OTHER ITEMS**

Commissioner Barnes requested that the Commission send a letter to Rosemarie Dickson to thank her for taking the time to come to the January 30, 2003 Commission meeting to share her thoughts with the Commission.

Commissioners and staff further discussed the OMWBE legislative proposal with meeting guests.

#### ***(Audio tape two side two)***

Commissioner Callner commented that as proposed, this issue is inconsistent with the agency's mission and suggested that the agency's first position can be that the proposal is inconsistent with the mission of the Human Rights Commission. Assistant Attorney General Susan Carlson suggested contacting the sponsors of the bill. Commissioner Coker recommended working on the language in the bill right away.

Commissioner Vasquez requested that House Bill 1446 be tracked separately. It should be handled as a priority.

Commissioners instructed staff to do the following.

1. Do a fiscal note without the amendment (request for two additional full time equivalents).
2. Attempt to educate and inform bill sponsors about impact of the proposal on the Commission and its work.
3. Identify philosophical conflicts, i.e., the impact of changing the direction of the agency.
4. Compile a list of key people that the Commission should be interacting with in the Legislature on this issue.
5. Send emails and updates to the Commissioners regularly regarding the proposal.

There being no further business the meeting adjourned at 2:15 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Commission Clerk



**ACTION ITEMS**  
**JANUARY 30-31, 2003 COMMISSION MEETING**

1. **Item:** The Commissioners will send a letter of response to the Washington Federation of State Employees.  
  
**Status:** The draft letter is currently being reviewed.
2. **Item:** Send a thank you letter to Rosemarie Dickson-Cook to thank her for attending the January 30, 2003 community meeting.  
  
**Status:** The letter was sent to Ms. Dickson-Cook on February 24, 2003.
3. **Item:** Staff was instructed by the Commissioners to track House Bill 1446; the Office of Minority and Women's Business Enterprises Legislative Proposal.  
  
**Status:** Staff has been monitoring the House Bill. An update will be provided to the Commissioners at the February 28, 2003 Commission meeting.
4. **Item:** Make corrections to the draft Farm Worker Forum Report.  
  
**Status:** Commissioner Callner is working with staff to make various corrections. An update will be provided at the February 28, 2003 Commission meeting.